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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/040,457 04/01/93 WESTFALL

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EXAMINER KANNAN, P
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35M1/0524

ART UNIT	PAPER NUMBER
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EUGENE S. STEPHENS  
EUGENE STEPHENS & ASSOCIATES  
56 WINDSOR STREET  
ROCHESTER, NY 14605

3508

DATE MAILED:

05/24/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

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☐ This application has been examined ☒ Responsive to communication filed on 03-28-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☒ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-63 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☒ Claims 1-6 AND 8-63 are allowed.

4. ☒ Claims 7 15 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

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The drawings are objected to because of the reasons set forth on the attached form PTO-948. Correction is required.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of containment regions in the shoes recited in claim 7 must be shown or the feature cancelled from the claim. No new matter should be entered.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. There is no proper teaching of the plurality of containment regions within the shoes as recited in claim 7.

Claim 7 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Applicant's election of the claims of group II, drawn to a combination sash and counterbalance system is acknowledged.

In view of the fact that applicant has amended claims 20, 27, 36 and 55, making them dependent on combination claims, all

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the claims in the case are deemed to be readable on the elected invention.

Claims 1-6 and 8-63 are allowable over the prior art of record.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP C.KANNAN whose telephone number is (703) 308-2168.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-2168.

PCK

May 20, 1994

*Philip C. Kannan*  
PHILIP C. KANNAN  
PRIMARY EXAMINER  
ART UNIT 358